<u>REMARKS</u>

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application.

Disposition of the Claims

Claims 1, 3-11, 13-21, and 23-33 were pending in this application. Claims 11, 13-20, and 32 are canceled by way of this reply without prejudice or disclaimer. Of the currently pending claims, claims 1 and 21 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 21.

Claim Amendments

Claims 1 and 21 are amended by way of this reply to clarify the invention. No new subject matter is added by way of this amendment as support may be found, for example, on p. 11, ll. 19- p. 13- ll. 12 of the application as filed.

Rejections Under 35 U.S.C. § 101

Claim 1

Claim 1 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. To the extent that this rejection applies to the amended claims, this rejection is respectfully traversed.

Under 35 U.S.C. § 101, "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title."

Claim 1 is amended by way of this reply to recite that a system includes hardware components of a portal server, a storage device, and a processor on which software components execute. Therefore, amended claim 1 is directed to a machine and, thus, directed to statutory subject matter. Withdrawal of this rejection is respectfully requested.

Claim 11

Claim 11 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 11 is canceled by way of this reply. Accordingly, this rejection is now moot. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1-5, 10-15, 20-25, and 30 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent Pub. No. 2003/084165 ("Kjellberg"). As an initial matter, Applicants respectfully note that claims 2, 12, and 22 were canceled in the previously filed response. Further claims 11 and 13-20 are canceled by way of this reply. Accordingly, this rejection is now moot with regards to claims 2, 11-20, and 22. To the extent that this rejection applies to the remaining amended claims, this rejection is respectfully traversed.

Turning to the rejection, in order to establish anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any

feature not directly taught must be inherently present. *See* MPEP § 2131. The court in *Net MoneyIN, Inc. v. Verisign, Inc.* further clarified that "[b]ecause the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements **"arranged as in the claim."**....[O]ur precedent informs that the "arranged as in the claim" requirement applies to all claims and refers to the need for an anticipatory reference to show all of the limitations of the claims arranged or combined in the same way as recited in the claims, not merely in a particular order. The test is thus more accurately understood to mean "arranged or combined in the same way as in the claim." *See, e.g., Net MoneyIN, Inc. v. Verisign, Inc.* 545 F.3d 1359, 1371 (Fed. Cir. 2008) (emphasis added) citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983).

Applicants assert that (i) Kjellberg fails to disclose having multiple implementations of an application, in which each implementation has a corresponding device type and has a user interface that is formatted for display on the corresponding device type; and (ii) the Examiner's support for the rejection of the above limitation in responding to Applicants' arguments fails to comply with the law set forth in *Net MoneyIN*; and (iii) Kjellberg fails to disclose application helper modules as recited in the claims.

Kjellberg fails to disclose having multiple implementations of an application, in which each implementation has a corresponding device type and a user interface that is formatted for display on the corresponding device type

By way of background, Kjellberg is directed to allowing users to select and install applications on a device in which the device may be one of multiple different device types. *See,*

e.g., Kjellberg, paragraph [0029]-[0030]. Specifically, an application menu is displayed for the user that lists all applications from which the user may select. *Id*. After the user selects the application from the application menu, the application is installed on the user's device. *Id*. Kjellberg discloses having a single implementation of an application. *Id*. The single implementation of the application is reformatted by a single deployment manager into a data format suitable for the device type of the client device. *Id*. In other words, rather than having multiple implementations where each implementation has a user interface that is formatted for display for the corresponding device type as required by the amended claims, the single deployment manager only changes the data format of the application. Therefore, Kjellberg fails to disclose each implementation having a user interface that is formatted for display for the corresponding device type as required by the amended claims.

The Examiner's support for the rejection of the above limitation in responding to Applicant's arguments fails to comply with the law set forth in Net MoneyIN

Moreover, in responding to Applicants' arguments, the Examiner erroneously divides the limitation of each implementation having a user interface that is formatted for display particularly to the device capabilities of the corresponding device type into two separate parts of (i) each implementation is formatted particularly for the device capabilities of the corresponding device type and (ii) a user interface that is formatted for display particular to the device capabilities of the corresponding device type. *See* Action p. 10. The Examiner violates the law set out in *Net MoneyIN* by relying on different portions of Kjellberg to disclose each part of the limitation. Specifically, the Examiner relies on the potion of Kjellberg stating "[t]he deployment manager 270 packages the selected object or application in a format suitable for the device type 100, based on client device type information provided by the session manager" to disclose (i) above and the

portion of Kjellberg stating "[t]he application menu is capable of being specific to the type of client device 100 and the user profile preference" to disclose (ii) above. In other words, the Examiner equates the application menu of Kjellberg to the user interface of the claims and the application packaged by the deployment manager of Kjellberg to the application of the claims. The Examiner's assertion is improper because the application menu is only a listing of applications from which the user may select the application for the deployment manager to package. *See, e.g.*, Kjellberg, paragraph [0029]. Specifically, under *Net MoneyIN*, which requires that all of the limitations of the claims arranged or combined in the same way as recited in the claims, in order for the application menu of Kjellberg to properly be equated to the user interface of the claimed invention, the application menu must be included in the application. However, Kjellberg clearly discloses that the application menu in Kjellberg is not included in the application as required by the claims, but rather only provides a listing of applications. Therefore, Kjellberg fails to disclose all elements of the claim as arranged in the claim as required by the law set forth in *Net MoneyIN*.

Kjellberg fails to disclose the application helper modules as recited in the claims

As discussed above, for anticipation, the prior art reference must disclose <u>every aspect</u> of the claimed invention. Claims 1 and 21 each require, in part, that the application helper modules are associated with a plurality of implementations of an application, where each application helper module is associated with a particular implementation of the application corresponding to a particular device type. In other words, claim 1 requires, in part, that a separate application helper module exists for each implementation of the application, such that both the separate application helper module and the implementation have a corresponding device type. In

support of the rejection of the application helper modules, the Examiner relies on the software modules in Figure 1 of Kjellberg. *See* Action p. 5. However, in contrast to the Examiner's assertions, the software modules in Figure 1 cannot be equated to the application helper modules because the software modules are not each associated with a particular implementation of the application. Rather, the software modules are associated with all versions of the application and are used to generate all versions of the application. Moreover, Kjellberg is silent with regards to application helper modules as required by the amended claims. Therefore, Kjellberg fails to disclose the aforementioned limitation.

Summary

As shown above, Kjellberg fails to disclose all of the limitations of claims 1 and 21. Accordingly, claims 1 and 21 are allowable over Kjellberg. Dependent claims 3-5, 10, 23-25, and 30, which depend, directly or indirectly, from claims 1 and 21 are allowable for at least the same reasons. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

MPEP § 2143 states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." Further, the Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739, 75 U.S.L.W. 4289 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. *See*, MPEP § 2143. The analysis presented by the Examiner to support the rejection of the claims under 35 U.S.C. § 103 in the Action indicates that the Examiner found no differences

between the cited prior art and the claims besides a lack of the actual combination of the elements in a single prior art reference, *i.e.,* that the Examiner is relying solely on the teachings of the prior art. *See, e.g.,* MPEP § 2143(A). Applicants respectfully assert that all of the elements of the amended claims are not found in the cited prior art.

Claims 7-9, 17-19, 27-29, and 31-33

Claims 7-9, 17-19, 27-29, and 31-33 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kjellberg in view of U.S. Patent Pub. No. 2003/0120784 ("Johnson"). Claims 17-19 and 32 are canceled by way of this reply. Accordingly, this rejection is now moot with regards to claims 17-19 and 32. To the extent that the rejection applies to the remaining amended claims, this rejection is respectfully traversed.

Applicants respectfully assert that Kjellberg and Johnson fail to disclose or render obvious (i) having multiple implementations of an application, in which each implementation has a corresponding device type and has a user interface that is formatted for display on the corresponding device type; and (ii) the application helper modules as recited in the claims.

Kjellberg and Johnson fail to disclose or render obvious having multiple implementations of an application, in which each implementation has a corresponding device type and has a user interface that is formatted for display on the corresponding device type

As discussed above, Kjellberg fails to disclose having multiple implementations of an application, in which each implementation has a corresponding device type and has a user interface that is formatted for display on the corresponding device type. Moreover, Kjellberg fails to render obvious the aforementioned limitation because Kjellberg only discloses the reformatting

of data and not having a user interface of an implementation of an application formatted for display on a corresponding device type.

Further, Johnson fails to disclose or render obvious that which Kjellberg lacks. Specifically, Johnson is directed to receiving data on a user's local device from an application executing on another user's personal device. *See, e.g.*, Johnson Abstract, paragraph [0008], and Figure 1. In Johnson, a user interacts with their single implementation of an application on their personal device via a personal data management apparatus that has a generic user interface for all of the user's applications. *Id.* Because a user interacts with their application via a personal data management apparatus that has a generic user interface, Johnson fails to disclose or render obvious having multiple implementations of an application, in which each implementation has a corresponding device type and has a user interface that is formatted for display on the corresponding device type as required by the amended claims.

Kjellberg and Johnson fail to disclose or render obvious the application helper modules as recited in the claims

As discussed above, Kjellberg fails to disclose application helper modules that are each associated with a particular implementation of the application, such that the application helper module is identified based on device type as required by the amended claims. Further, Kjellberg fails to render obvious the aforementioned limitation because Kjellberg is directed to a system in which a single implementation of the application exists and a deployment manager repackages the single implementation on an as needed basis. *See, e.g.*, Kjellberg, paragraph [0030]. Because there is only a single implementation of the application, there is no requirement in Kjellberg to have multiple application helper modules that are each associated with a particular implementation of the

application, such that the application helper module is identified based on device type as required by the amended claims.

Johnson fails to disclose or render obvious that which Kjellberg lacks because as discussed above, Johnson only discloses having a single implementation of an application. Therefore, Johnson cannot disclose or render obvious multiple application helper modules for each implementation of an application.

Summary

In view of the above, Kjellberg and Johnson, whether considered together or separately, fail to disclose or render obvious all of the limitations of independent claims 1 and 21. Accordingly, independent claims 1 and 21 are patentable over Kjellberg and Johnson. Further, dependent claims 7-9, 27-29, 31, and 33, which depend, directly or indirectly, from claims 1 and 21 are patentable over Kjellberg and Johnson for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 31 and 33

As discussed above, claims 31 and 33 patentable over Kjellberg and Johnson for at least the same reasons as claims 1 and 21 from which claims 31 and 33 depend. Moreover, claims 31 and 33 are patentable over Kjellberg and Johnson for the additional reasons discussed below.

Claims 31 and 33 require, in part, that the particular implementation is designated to the corresponding device type by a user of the device receiving the user customizable page. Kjellberg fails to disclose the aforementioned limitation because Kjellberg discloses a method whereby the single implementation of the application is automatically (*i.e.*, not by a user)

reformatted for the device of the user. In other words, in Kjellberg, the user does not associate the implementation with the device type.

Further, Johnson fails to disclose or render obvious that which Kjellberg lacks. Specifically, the portion of Johnson cited by the Examiner merely discloses two menus. *See* Action p. 9. The first menu allows a user to select a device that the user can access. The second menu allows the user to select from a list of applications executing on the device, from which application the user wants to receive personal data. *See, e.g.*, Johnson, paragraph [0008] and Figure 3. Because the application that the user selects is already executing on the device and is therefore already designated to the device, the menu clearly does not allow a user to designate the particular implementation of the application to the corresponding device type as required by claims 31 and 33. Moreover, because Johnson is only directed to obtaining data from an application executing on the device, Johnson fails to disclose or render obvious the limitations of claims 31 and 33.

In view of the above, Kjellberg and Johnson, whether considered together or separately fail to disclose all of the limitations of claims 31 and 33. Accordingly, claims 31 and 33 are patentable over Kjellberg and Johnson. Withdrawal of this rejection is respectfully requested.

Claims 6, 16, and 26

Claims 6, 16, and 26 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kjellberg in view of U.S. Patent Pub. No. 2003/0022657 ("Herschberg"). As discussed above, claim 16 is canceled by way of this reply. Accordingly, this rejection is now moot with regards to claim 16. To the extent that the rejection applies to the remaining amended claims, this rejection is respectfully traversed.

Applicants respectfully assert that Kjellberg and Herschberg fail to disclose or render obvious (i) having multiple implementations of an application, in which each implementation has a corresponding device type and has a user interface that is formatted for display on the corresponding device type; and (ii) the application helper modules as recited in the claims.

Kjellberg and Herschberg fail to disclose or render obvious having multiple implementations of an application, in which each implementation has a corresponding device type and has a user interface that is formatted for display on the corresponding device type

As discussed above, Kjellberg fails to disclose or render obvious having multiple implementations of an application, in which each implementation has a corresponding device type and has a user interface that is formatted for display on the corresponding device type. Further, Herschberg fails to disclose or render obvious that which Kjellberg lacks. Specifically, Herschberg is directed to ensuring that the user has the applications executing on their device that are required and that the user is authorized to have. *See, e.g.*, Herschberg, Abstract. Further, Herschberg discloses that administrator selects which applications are data type compatible with the operating system of the users device. *See, e.g.*, Herschberg paragraph [0094]. However, Herschberg is silent with regards to the user interfaces of the application. Therefore, Herschberg fails to disclose or render obvious having multiple implementations of an application, in which each implementation has a corresponding device type and has a user interface that is formatted for display on the corresponding device type as required by the amended claims.

Kjellberg and Herschberg fail to disclose or render obvious the application helper modules as recited in the claims

As discussed above, Kjellberg fails to disclose or render obvious application helper modules that are each associated with a particular implementation of the application, such that the application helper module is identified based on device type as required by the amended claims. Moreover, Herschberg fails to disclose or render obvious that which Kjellberg lacks because Herschberg is silent with regards to having multiple application helper modules as required by the amended claims.

Summary

In view of the above, Kjellberg and Herschberg, whether considered separately or in combination, fail to disclose or render obvious all of the limitations of independent claims 1 and 21. Accordingly, independent claims 1 and 21 are patentable over Kjellberg and Herschberg. Further, dependent claims 6 and 26, which depend, directly or indirectly, from claims 1 and 21 are patentable over Kjellberg and Herschberg for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/509001).

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